

DEC 20 '06 (WED) 11:03 DILWORTH&BARRESE

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**PATENT**  
**Attorney's Docket No. 1187-26**

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**FAX RECEIVED**

DEC 23 2006

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

**OFFICE OF PETITIONS**

- original
- design
- supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- divisional
- continuation
- continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

**METHOD FOR MODIFYING PLANT MORPHOLOGY, BIOCHEMISTRY AND PHYSIOLOGY**

**SPECIFICATION IDENTIFICATION**

the specification of which: (*complete (a), (b) or (c)*)

(a)  is attached hereto.

(b)  was filed on December 10, 2001 as  Serial No. 10/014,101 or  Express Mail No., as Serial No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ (*if applicable*).

NOTE: Amendments filed after the original papers are deposited with the FTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

(c)  was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (*if any*).

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

- and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and
- in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

**PRIORITY CLAIM (35 U.S.C. §119)(a)-(d)**

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d)  no such applications have been filed.(e)  such applications have been filed as follows.

**NOTE:** Where item (e) is entered above and the International Application which designated the U.S. has claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
EP	00870132.8	16 June 2000	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
EP	01870053.4	16 March 2001	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
PCT	PCT/EP01/06833	18 June 2001	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**60/258,415**FILING DATE**27 December 2000

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**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

**NOTE:**

If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then the complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

**PETER G. DILWORTH**, Reg. No. 26,450; **ROCCO S. BARRESE**, Reg. No. 25,253; **ANN R. POKALSKY**, Reg. No. 34,697; **ADRIAN T. CALDERONE**, Reg. No. 31,746; **GEORGE M. KAPLAN**, Reg. No. 28,375; **PETER J. FALLON**, Reg. No. 38,331; **LEO G. LENNA**, Reg. No. 42,796; and **JAKSHA C. TOMIC**, Reg. No. 53,696; and any and all attorneys associated with U.S. Patent and Trademark Office Customer No. 28249, each of them of **DILWORTH & BARRESE, LLP**, 333 Earle Ovington Boulevard, Uniondale, New York 11553

**SEND CORRESPONDENCE TO:**  
**Ann R. Pokalsky, Esq.**  
**DILWORTH & BARRESE, LLP**  
**333 Earle Ovington Boulevard**  
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## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents

Full name of sole or first inventor Thomas Schmidling

Inventor's signature Thomas Schmidling

Date 21-12-2006 Country of Citizenship Germany

Residence Prinzessinnstr. 30, D-14052 Berlin, Germany

Post Office Address same as above

Full name of second joint inventor, if any Thomas Werner

Inventor's signature Thomas Werner

Date 21-12-2006 Country of Citizenship Germany

Residence Berlinerstr. 118/119, D-10713 Berlin, Germany

Post Office Address same as above

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING  
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

- Signature for subsequent joint inventors.  
Number of pages added \_\_\_\_.
- Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.  
Number of pages added \_\_\_\_.
- Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. §1.47.  
Number of pages added \_\_\_\_.
- \*\*\*
- Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.  
Number of pages added 1.
- \*\*\*
- Authorization of attorney(s) to accept and follow instructions from representative.

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

- This declaration ends with this page.

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**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**(complete this part only if this is a  
divisional, continuation or CIP application)**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:				
U.S. APPLICATIONS		Status (Check One)		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned
1. 0/				
2. 0/				
3. 0/				
4. 0/				
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NO. ASSIGNED (if any)		
5. PCT/EP01/06833	June 18, 2001		Pending as of December 10, 2001	
6.				
7.				

(Added Page to Combined Declaration and Power of Attorney  
for Divisional, Continuation or CIP Application  
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